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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	**Civil No. 14-CV-00151-ABJ**
$259,717 United States Currency,	)	
Defendant-Property.	)	
SCOTT MICHAEL LEWIS,	)	
Claimant.	)	

MOTION FOR JUDGMENT OF FORFEITURE

The United States of America, by and through Assistant United States Attorney Eric Heimann, respectfully requests entry of a judgment of forfeiture as to the above-described Defendant-Property based upon the filed settlement agreement. In support of this motion, the United States asserts the following.

1. On August 1, 2014, the United States filed a verified complaint seeking to forfeit the above-described $259,717 (the Defendant-Property) and a Cessna airplane. (Doc. 1 at 2-3.) In the verified complaint, the government alleged that the Defendant-Property was forfeitable under 21 U.S.C. § 881(a)(6) because it constituted **(1)** moneys furnished and intended to be furnished by

any person in exchange for a controlled substance in violation of Title 21, Chapter 13, Subchapter 1, Section 841, et seq.; **(2)** proceeds traceable to such an exchange; and **(3)** moneys used and intended to be used to facilitate any violation of Title 21, Chapter 13, Subchapter 1, Section 841, et seq. (*Id.*)

2. The Cessna airplane was subsequently forfeited to the United States in a criminal proceeding and dismissed from this civil forfeiture action. (Doc. 90.) Therefore, the only remaining defendant property is the above-described $259,717.

3. On August 1, 2014, the government sent notices of forfeiture to the individuals from whom the Defendant-Property and airplane were seized, and the record-owner of the airplane: specifically, Claimant Scott Michael Lewis; Gilbert Wayne Wiles, Jr.; Morris Point, LLC; and an attorney for Mr. Wiles. (Docs. 2 and 3.)

4. Claimant Scott Lewis, by and through his attorneys David Michael and Joe Bustos, timely filed a claim asserting an ownership and possessory interest in all or part of the Defendant-Property and then filed an answer to the complaint. (Docs. 9, 10 and 13.) No other claims or answers were filed in this action, and the time allowed by Rule G(5) of the Supplemental Rules of Certain Admiralty Maritime Claims for filing a claim and answer has passed.

5. On August 8, 2014, this Court issued a Warrant for Arrest *in rem* authorizing the U.S. Department of Homeland Security (DSH) to arrest the Defendant-Property. (Doc. 5.) The Defendant-Property has been in the custody and control of DHS under authority of that warrant since that time.

6. On November 23, 2016, Claimant Lewis and the United States of America filed a Stipulation for Compromise Settlement. (Doc. 92.) Under the terms of the settlement agreement,

Claimant Scott Lewis has consented and agreed to the entry of a judgment of forfeiture based upon the verified complaint in favor of the United States on the following conditions:

A. The United States shall return to Claimant Scott M. Lewis, by and through his attorney David Michael, the sum of $25,000 (twenty-five thousand dollars) via a payment made through the United States Treasury. Claimant acknowledges that the Debt Collection Improvement Act of 1996, as codified at 31 U.S.C. § 3716 and administered through the Treasury Offset Program (TOP), requires the United States Treasury to offset federal payments to collect certain delinquent debts owed by a payee to the United States, a United States agency, or a state government. Accordingly, Claimant Lewis acknowledges that the amount to be returned to him under this settlement agreement may be reduced by the amount of any such delinquent debt that the United States Treasury is required to collect through TOP.

B. Claimant Scott M. Lewis agrees that all right, title, and interest in the remaining Defendant-Property, approximately $234,717 (two hundred thirty-four thousand seven hundred seventeen dollars), shall be forfeited to and shall vest in the United States of America for disposition according to law.

7. The United States requests that the Court enter a certificate of reasonable cause under 28 U.S.C. § 2465(a)(2) as to the Defendant-Property. As part of the settlement, Claimant Lewis has agreed that the Court may enter such a certificate upon the government's request.

8. Based on the foregoing, the United States moves, under Rule 58 of the Federal Rules of Civil Procedure and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, for entry of judgment of forfeiture on the terms described in the settlement agreement and ¶ 6 above.

WHEREFORE, for the reasons stated above, the United States of America, under Rule 58 of the Federal Rules of Civil Procedure and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, respectfully requests entry of judgment of forfeiture as to the Defendant-Property.

Dated this 28th day of November, 2016.

Respectfully submitted,
CHRISTOPHER A. CROFTS
United States Attorney

By: *_/s/ Eric J. Heimann_*
ERIC J. HEIMANN
Assistant United States Attorney

CERTIFICATE OF SERVICE

It is hereby certified on the 28th day of November, 2016, a true and correct copy of the foregoing was served upon the following by the method(s) indicated below.

David M. Michael Law Offices of David M. Michael One Sansome Street, Suite 3500 San Francisco, CA 94104	[X] Electronic Filing [ ] U.S. Mail -- postage prepaid [ ] U.S. Mail -- certified [ ] Hand delivery
Joe D. Bustos 400 E 20th Street Cheyenne, WY 82001	[X] Electronic Filing [ ] U.S. Mail -- postage prepaid [ ] U.S. Mail -- certified [ ] Hand delivery

/s/ Eric Heimann
United Stated Attorney's Office